

EXHIBIT 1

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
JENNIFER ECKHART and CATHY AREU,

4
5 PLAINTIFFS,

6 -against-

Case No.:

1:20-cv-05593

7
8 FOX NEWS NETWORK, LLC, ED HENRY, SEAN
HANNITY, TUCKER CARLSON and HOWARD KURTZ,
9 in their individual and professional
capacities,

10
11 DEFENDANTS.
-----X

12
13 DATE: June 15, 2023

14 TIME: 10:00 A.M.
15

16 CONFIDENTIAL VIDEOTAPED DEPOSITION of
17 the Defendant, EDWARD HENRY, taken by the
18 Plaintiffs, pursuant to a Subpoena and to
19 the Federal Rules of Civil Procedure, held
20 at the offices of Wigdor, LLP, 85 5th
21 Avenue, Suite 5, New York, New York 10003,
22 before Karyn Chiusano, a Notary Public of
23 the State of New York.
24
25

A P P E A R A N C E S:

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ALSO PRESENT:

CARLOS KING, Videographer
JENNIFER ECKHART
CARL GUIDA, ESQ., in-house FOX
CHRISTINA SABATO, Law Clerk
SOFIYA PAVLOVA, Paralegal

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 CONFIDENTIAL ~ OPENING STATEMENTS

2 THE VIDEOGRAPHER: Good
3 morning.

4 We are going on the record at
5 10:03 A.M., on June 15, 2023.

6 Please note that the
7 microphones are sensitive and may
8 pick up whispering and private
9 conversations.

10 Please mute your phones at this
11 time.

12 Audio and video recording will
13 continue to take place unless all
14 parties agree to go off the record.

15 This is Media Unit Number 1 of
16 the video-recorded deposition of Ed
17 Henry taken by Counsel for Plaintiffs
18 in the matter of Jennifer Eckhart,
19 et al., versus Fox News Network, LLC,
20 filed in the United States District
21 Court of the District of New York,
22 Case Number 120-CV-05593.

23 The location of this deposition
24 is 85 5th Avenue, New York, New York.

25 My name is Carlos King

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2 representing Veritext, and I'm the
3 videographer.

4 The Court Reporter is Karyn
5 Chiusano, also of Veritext.

6 I'm not authorized to
7 administer an oath. I'm not related
8 to any party in this action, and I'm
9 not financially interested in the
10 outcome.

11 If there are any objections to
12 the proceedings, please state them at
13 the time of your appearance.

14 Counsel and all present,
15 including remotely, will now state
16 their appearance and affiliations for
17 the record, beginning with the
18 noticing attorney.

19 MR. WILLEMIN: Michael
20 Willemmin, Widgor, LLP.

21 I'm joined by my colleagues
22 Renan Varghese, Meredith Firetog,
23 Christina Sabato, Sofiya Pavlova, and
24 our client, Jennifer Eckhart.

25 MS. FOTI: Catherine Foti for

1 CONFIDENTIAL ~ OPENING STATEMENTS

2 the witness, Ed Henry, also listed in
3 the action. I'm with the firm
4 Morvillo, Abramowitz, Grand, Iason &
5 Anello.

6 And I'm joined by my colleagues
7 Michael Manzo and Elkan Abramowitz.

8 MS. McKENNA: Kathleen McKenna,
9 Proskauer Rose for Fox News.

10 I am joined by my colleagues
11 Rachel Fischer, Julia Hollreiser, and
12 by counsel -- in-house Counsel for
13 Fox News, Carl Guida.

14 THE VIDEOGRAPHER: Can the
15 Court Reporter please swear in or
16 affirm -- or affirm the witness.

17 THE COURT REPORTER: Can you
18 please raise your right hand?

19 THE WITNESS: Yes.

20 (Witness complies.)

21 THE COURT REPORTER: Do you
22 swear that the testimony you are
23 about to give will be the truth, the
24 whole truth, and nothing but the
25 truth, so help you God?

1 CONFIDENTIAL ~ EDWARD HENRY

2 THE WITNESS: I do.

3 E D W A R D H E N R Y, called as a
4 witness, having been first duly sworn by a
5 Notary Public of the State of New York, was
6 examined and testified as follows:

7 THE COURT REPORTER: Wonderful.

8 Can I kindly have your name
9 spelling, please?

10 THE WITNESS: Edward Henry.
11 H-E-N-R-Y.

12 THE COURT REPORTER: Can I have
13 your, um, address?

14 You can provide business.

15 THE WITNESS: I can provide a
16 business address, you say?

17 THE COURT REPORTER. Yes.

18 307 Evernia Street.

19 E-V-E-R-N-I-A, Street, West Palm
20 Beach, Florida.

21 THE COURT REPORTER: Any time
22 you're ready, sir, I'm ready for you.

23 EXAMINATION BY

24 MR. WILLEMIN:

25 Q. Good morning, Mr. Henry.

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2 MS. FOTI: I was going to
3 clarify, "our" being you as the
4 attorneys?

5 MR. WILLEMIN: Yeah.

6 MS. FOTI: And your answer is.

7 A. No.

8 I have no knowledge.

9 Q. You were hired by Fox in 2011;
10 is that right?

11 A. That sounds right.

12 Q. And at the time, you were hired
13 as the Chief White House Correspondent?

14 A. Correct.

15 Q. Based in D.C.?

16 A. Yes.

17 Q. And that first contact was a
18 three-year contract; correct?

19 A. I believe so.

20 I -- I -- at one point, there
21 was like, I think, a five-year -- I think
22 it was three -- that sounds right.

23 Q. And there's a provision in that
24 contract that permit -- permits Fox to have
25 exclusive negotiation period starting 90

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2 No direct conversation. There
3 was more broad -- you know, we had that
4 issue. We don't want more bad publicity,
5 kind of thing.

6 But there was no specific
7 questions about a woman in Las Vegas or
8 anybody.

9 Q. And in connection with the
10 negotiation of the 2017 contract, when did
11 you come back from your leave following
12 that -- um, the revelation of that affair?

13 MS. McKENNA: I didn't hear the
14 end of your question.

15 MR. WILLEMIN: Oh, following
16 the revelation of that affair with
17 the woman in Las Vegas.

18 MS. FOTI: Objection.

19 A. As I testified earlier, my
20 recollection is that was I was suspend in
21 roughly May of 2016.

22 And I believe I came back to
23 work August, September 2016.

24 Q. Got it.

25 And in connection with the

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2 I don't recall any of that.

3 Q. Prior to your termination --

4 MR. WILLEMIN: Well, let me
5 withdraw that.

6 Q. Prior to Jennifer's
7 termination, um, did you have any
8 discussions with anyone at Fox News about
9 Ms. Eckhart?

10 A. No.

11 Q. How many times -- there's a --
12 there was one occasion that you had that
13 there was oral sex that was performed by
14 Ms. Eckhart in the offices of Fox News; is
15 that correct?

16 A. Yes.

17 Q. Okay. Setting that aside for a
18 moment, how many different sexual
19 encounters did you have with Ms. Eckhart?

20 A. Um, four.

21 Q. Um, and are you counting the
22 oral sex as one of them or --

23 A. Yes.

24 You said sexual encounter;
25 right?

1 CONFIDENTIAL ~ EDWARD HENRY

2 Q. Yeah.

3 And I said setting that aside,
4 but it's fine. It's confusing.

5 A. Okay.

6 Q. So four, including the oral
7 sex.

8 A. Okay.

9 Q. So, and -- and when was the
10 first sexual encounter?

11 A. Um, I believe it was late or
12 some point in 2014 at the Marriott Marquis.

13 Q. And were you traveling for work
14 at the Marriott or is that -- some other,
15 um, reason you were at that hotel?

16 A. I don't recall specifically.
17 It would -- it's a couple of blocks from
18 Fox, so it would seem likely that it was
19 Fox, but I don't have a specific
20 recollection.

21 Q. Do you know whether or not you
22 put any expenses in for your stay at that
23 Marriott Marquis at that time?

24 A. I don't recall for that visit.
25 It was 2014. I don't recall.

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2 I don't have access to those
3 expense reports anymore.

4 Q. Did you have -- prior to that
5 meeting, do you have any recollection of
6 any communication that you had with Ms.
7 Eckhart concerning the possibility of
8 having sex?

9 MS. FOTI: Objection.

10 A. Um, I believe our
11 communications started in 2013, and it was
12 -- started -- it just started as
13 flirtatious.

14 Q. Did you have -- prior to --

15 MR. WILLEMIN: Let me withdraw
16 that.

17 Q. Prior to having sex with her at
18 the Marriott, you had a drink with her at
19 the hotel bar; is that correct?

20 A. Yes.

21 Q. Prior to meeting her at the
22 hotel bar, had there been any discussions,
23 specific discussion, in which the two of
24 you agreed that you would be having sex?

25 MS. FOTI: Objection.

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2 A. Um, no.

3 I don't recall a specific
4 discussion.

5 Q. And was there any specific
6 discussion at the hotel bar about wherein
7 you two agreed that you would have sex?

8 MS. FOTI: Objection.

9 A. Um, I recall that at the end of
10 the drink or however it ended in paying a
11 check, um, I asked her if she wanted to
12 come upstairs.

13 And she smiled and said "yes."
14 And we did.

15 Q. Um, and did you say: "Do you
16 want to come upstairs to have sex?" Or did
17 you just say: "Do you want to come
18 upstairs?"

19 A. I don't recall the specific
20 words, but I was in a hotel. And I said:
21 "Do you want to come up to my room?"

22 Q. Um, and when you -- you -- so
23 you did -- the two of you went to your
24 room; correct?

25 A. Yes.

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2 Q. And did you have sex with
3 Ms. Eckhart on that occasion?

4 A. Yes.

5 Q. Um, and on that occasion, did
6 you use any handcuffs or any belt or any
7 sort of S & M play?

8 A. No.

9 Q. Did you have anal sex with
10 Ms. Eckhart?

11 A. Not on that occasion.

12 Q. And isn't it true that when you
13 had sex --

14 MR. WILLEMIN: Well, let me
15 withdraw that.

16 Q. Um, during that -- from the
17 time you got to the hotel room to the time
18 that you began having intercourse with
19 Ms. Eckhart, isn't it true that you did not
20 ask her whether or not you could have
21 intercourse with her?

22 MS. FOTI: Objection.

23 A. Um, what happened was, we got
24 in the room. The door shut. We started
25 taking each others' clothes off. And, um,

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2 A. No.

3 Q. Did you ever tell her that you
4 might be able to introduce her to your
5 agent?

6 MS. FOTI: Objection.

7 A. No.

8 And as I established, um, I
9 went back and forth between the attorneys
10 and agents. Agents first, then an
11 attorney, then an agent.

12 They all, essentially, work as
13 agents, but I don't -- I did not say to her
14 that I would introduce her to an agent.

15 Q. Was the next sexual encounter
16 that you had with Ms. Eckhart the oral sex
17 that you had in September of 2015?

18 A. Yes.

19 Q. And that was in a guest office
20 of the New York Fox News offices?

21 A. Yes.

22 Q. On that day prior to that, um,
23 you asked Ms. Eckhart to take off her
24 underwear and provide them to you; correct?

25 A. Yes.

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2 MS. FOTI: Objection.

3 You can answer.

4 A. Yes.

5 Q. Do you still have the underwear
6 that Ms. Eckhart gave you?

7 A. No.

8 Q. And where did you get the idea
9 to ask her to provide you with her
10 underwear?

11 A. I don't recall.

12 Q. And where did you get the idea
13 to use a belt when engaged in sexual
14 activity?

15 A. I don't recall.

16 Other than her sending me a
17 picture of one.

18 Q. Well, let me, maybe, rephrase
19 that.

20 Just as a general proposition
21 not specific to Ms. Eckhart, where is it
22 that you got the idea to engage in S & M
23 type sexual activity?

24 MS. FOTI: Objection.

25 A. I don't recall a specific thing

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2 it was relative to February 11, 2017, that
3 you told him about that on the golf course?

4 A. I don't remember how many days,
5 but I know that before this encounter --
6 this is referencing he and I talking about
7 me potentially getting together with her in
8 February, because I had talked to her about
9 me being around New York around February
10 10.

11 Q. Now, you sent another couple of
12 photographs of Ms. Eckhart, and Mr. Cohen
13 writes down at the bottom of -- I guess the
14 third page. "She lives in New York. When
15 is she coming down to Florida?"

16 Do you see that?

17 (Witness reviews document.)

18 A. Yes.

19 Q. And you said, "Working on it.
20 Boo-yah."

21 Do you see that?

22 (Witness reviews document.)

23 A. Yes.

24 Q. What were you working on with
25 Mr. Cohen?

1 CONFIDENTIAL ~ EDWARD HENRY

2 Do you see that?

3 (Witness reviews document.)

4 A. Um, yes.

5 It -- it was from me, yes.

6 Q. And that's -- I am not
7 suggesting that Jennifer actually said
8 that, but that's you sort of mimicking a
9 quote from Jennifer; that correct?

10 MS. FOTI: Objection.

11 A. It was a joke along those lines
12 that he suggests.

13 Q. Along the lines that she would
14 be star struck by the fact that you're an
15 author?

16 MS. FOTI: Objection.

17 A. That was the joke.

18 MR. ABRAMOVITZ: Do you want
19 water?

20 MS. McKENNA: No. I have some.

21 Q. Did there come a time where you
22 unfollowed Ms. Eckhart on Twitter?

23 A. Yes.

24 Q. And do you recall approximately
25 when that was?

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2 A. I don't have a good idea of
3 when, but I know why.

4 Q. Why was it?

5 A. It was because I was engaged in
6 a relationship with . And she
7 was very jealous and kept asking about
8 Jennifer and wanted to know why I was
9 following her and why I had liked some of
10 her photos on Instagram. Because she liked
11 to check out everybody I was following and
12 was -- like I say, was very jealous.

13 So, I just realized, Number
14 One, I kind of wanted her to stop bugging
15 me about why I was following this person.

16 And secondly, I realized, well,
17 if she figured out that maybe I had a
18 relationship with her, I shouldn't like her
19 photos. So that's why.

20 Q. And you actually removed a
21 number of likes from her photos; correct?

22 A. For that reason, correct.

23 Q. Essentially, trying to make it
24 more difficult for someone to figure out
25 that you had a relationship with Jennifer?